

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division**

ANDREW FEREBEE,

Plaintiff,

V.

Civil Action No.: 4:10cv164

7-ELEVEN, INC.,

Defendant.

DEFENDANT’S MOTION TO DISMISS

COMES NOW the Defendant, 7-Eleven, Inc., by counsel, pursuant to Rules 16(f), 37 and 41(b) of the Federal Rules of Civil Procedure, and moves this Court for entry of an Order dismissing this matter with prejudice due to Plaintiff's failure to provide his Rule 26(a) Initial Disclosures, Answers to Defendant's Interrogatories, Responses to Defendant's Requests for Production of Documents and expert identification as required by this Court's Scheduling Order and the Federal Rules of Civil Procedure and for other just relief as may be appropriate based upon the accompanying Memorandum in Support of Motion to Dismiss.

Respectfully submitted,

7-ELEVEN, INC.

BY: /s/
Of counsel

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 Attorney for Defendant
 7-ELEVEN, INC.

CERTIFICATE OF SERVICE

I hereby certify that on the 5^h day of April, 2011, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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/s/

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